

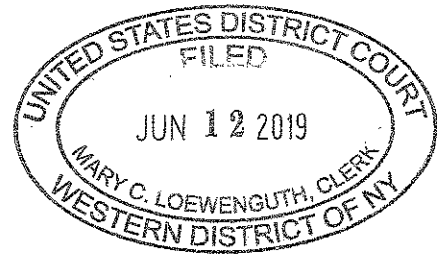
**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

JOHN FRISBIE, Individually and on  
Behalf of All Other Persons Similarly  
Situating,

Plaintiff,

v.

TOP LINE RESTAURANT, INC., et al.,  
Defendants.



**DECISION & ORDER**  
17-cv-6270-FPG-JWF

Currently before the Court is plaintiffs' renewed motion for conditional class certification (Docket # 61). The Court heard oral argument on June 11, 2019, and rendered an oral decision. For the reasons stated on the record, plaintiffs' renewed motion for conditional class certification (Docket # 61) is **granted**.

The parties shall meet and confer and submit to the Court a joint proposed notice to the class no later than June 25, 2019.

As discussed on the record, the statute of limitations is equitably tolled as of August 22, 2018, the date on which the initial motion for conditional class certification was filed, to the date of this Order. See McGlone v. Contract Callers, Inc., 867 F. Supp. 2d 438, 445 (S.D.N.Y. 2012) (exercising its discretion, the court determined that "the statute of limitations will be tolled as of the date of the filing of this motion").

**SO ORDERED.**

Dated: June 11, 2019  
Rochester, New York

A handwritten signature in black ink, appearing to read "Jonathan W. Feldman", written over a horizontal line.

JONATHAN W. FELDMAN  
United States Magistrate Judge